

August 3, 1962  
Letter Opinion No. 62-88-L  
R-~~344~~ 328

REQUESTED BY: Mr. Earl H. Ramsey, Supervisor  
State Banking Department

OPINION BY: ROBERT W. PICKRELL  
The Attorney General

QUESTION: Does the Administrator of the Motor  
Vehicle Time Sales Disclosure Act  
have jurisdiction to hear complaints  
on "cash sales" transactions?

CONCLUSION: No.

It is necessary for your department as administrator of the Motor Vehicle Time Sales Disclosure Act to know when cash sales of motor vehicles are made so a determination can be made as to whether or not the seller is a dealer.

As to complaints of buyers on the activities of dealers, the administrator has jurisdiction only over complaints relating to "retail installment transactions or contracts." We cite:

"A.R.S. §44-284. Investigations and complaints

A. The administrator, if he has reasonable cause to believe that any licensee, or any other person, has violated any of the provisions of this article relating to retail installment transactions or contracts shall have the power to make such investigations as he shall deem necessary and, to the extent necessary for this purpose, he may examine the licensee or any other person and shall have the power to compel the production of all relevant books, records, accounts and documents.

B. Any retail buyer having reason to believe that this article relating to his retail installment contract has been violated may file with the administrator a written complaint setting forth the details of the alleged violation and the administrator upon receipt of the complaint, may inspect the pertinent books, records, letters and contracts of the licensee and of the retail seller involved, relating to the specific written complaint. Added Laws 1961, Ch. 126, §1."

"A.R.S. §44-285. Powers of administrator

A. The administrator may issue subpoenas to compel the attendance of witnesses and the production

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of documents, papers, books, records and other evidence before him in any matter over which he has jurisdiction, control or supervision pertaining to this article. The administrator shall have the power to administer oaths and affirmation to any person whose testimony is required."

This sufficiently limits the administrative jurisdiction to retail installment transactions and contracts. True cash sales in no way involves "installment transactions or contracts."

*Robert W. Pickrell*  
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ROBERT W. PICKRELL  
The Attorney General *W. W. G.*

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